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SEP 13 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Applicant(s): Joseph W. Tsang et al

Date of Mailing: September 13, 2005

Application Number: 10/059693

Filing Date: 01-28-2002

Title: A Co-Catalyst Proton Exchange Membrane Fuel Cell Utilizing Borohydride Fuels

Applicants' Reference Number: 10011434-1

VIA FACSIMILE (703) 872-9306

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicant contends that the application is not in fact abandoned (i.e., a reply was in fact filed), and requests withdrawal of the holding of abandonment under 37 C.F.R. § 1.181(a). This petition is being sent via facsimile: 703-872-9306.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. A copy of the Issue Fee Transmittal, confirmation of fax sent, and a copy of the Auto-Reply Transmission from the USPTO dated: January 26, 2005 (Issue Fee Due March 28, 2005). (Marked Exhibit A).
2. A copy of the Notice of Abandonment from the USPTO. (Marked Exhibit B).


Although Applicants believe that this is an error of the Patent Office and that thus no petition fee is due, Applicants hereby authorize the Patent Office to charge Deposit Account 08-2025 for any required fees.

If any issues remain, the Examiner is encouraged to telephone the undersigned at the number listed below.

Hewlett Packard Company
Legal Department - IPA
PO Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,

Joseph W. Tsang et al

by 
David W. Collins, Reg. No.: 26,857
Attorney for Applicants
(520) 399-3203

ASPTO

1/26/2005 5:40 PM

PAGE 1/001

Fax Server

17267 2005 5:40
No-reply fax to 8506528063 COMPANY:



Auto-Reply Facsimile Transmission

Exhibit
A



TO:

Fax Sender at 6506528063

Fax Information

Date Received:

Total Pages:

1/26/2005 5:39:36 PM [Eastern Standard Time]
1 (including cover page)

1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.8(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Cover
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[illegible]

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 245-6000

INSTRUCTIONS: This form should be used for transmitting fee(s) and MAILING LABEL (if required). Blocks 1 through 3 should be completed before transmittal. All other correspondence including the Patent, advance notice and notification of nonpayment (and will be mailed to the current correspondence address as indicated unless opposing before or directed otherwise to Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" by completing the top right block.

Current, change address information for Block 1 for any change of address

Note: A certificate of mailing can only be used for domestic mailings of the Patent. This certificate cannot be used for any other correspondence. Each additional page, such as no statement of formal drawing, must have its own certificate of mailing or endorsement.

TSA 1/27/2004

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272000

Fort Collins, CO 80527-2400

Certificate of Mailing or Transmittal
I hereby certify that the Patent is being deposited with the United States Patent Service with sufficient copies for filing and will be a coverlet addressed to the Mail Stop 1450 P.O. Box 1450, as being received by the USPTO (703) 245-6000, on the date indicated below.MARIONA J. ZAYA (Depositor's name)
26 JANUARY 2005 (Date)
[Signature]

APPLICATION NO.	FILING DATE	FOURTH INVENTOR	ATTORNEY'S OFFICE NO.	EXPIRATION DATE
10059,601	01/25/2001	Joseph M. Tzeng	PH01434-1	2016

TITLE INVENTION: CATALYST REACTION EXCHANGE MEMBRANE CELL UTILIZING ROBINSON-ROBERTS CATALYST

ARTICLE TYPE	SMALL ENTITY	USPTO FEE	PUBLICATION FEE	EXTRAN FEE/BOOK	DATE INCL
unpublished	NO	\$1,500	\$100	\$9700	09/20/05
EXAMINER'S	ART UNIT	CLASSIFICATION			
ATAPLAIN, 10/05/05	1245	ANY-010000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.335).

☒ Change of correspondence address (or Change of Correspondence Address form (PCT/CA/223) attached).

☐ "Fee Address" Indication for "Fee Address" Indication form (PCT/CA/223) or more recently indicated, list of a Character Number is required.

2. For printing on the patent front page, list:

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If the name of a firm, no name shall be printed.

3. ASSIGNMENT AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
M.BASIC NOTE: Taken as a whole as described below, no assignment shall appear on the patent. When assignment is identified below, the assignment has been filed in accordance with 37 CFR 1.14. Completion of this form is NOT a substitute for filing an assignment.(A) NAME OF ASSIGNEE (B) RESIDENCE, CITY AND STATE OR COUNTRY
Hewlett-Packard Development Company, L.P. Houston, TexasPlace check the appropriate assignment category or categories (fill out the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee
☒ Publication Fee (No issue credit claimed permitted)
☒ Refund of Office - Fee of Office

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed
☐ Payment by credit card. Form CPG-2002 is attached
☒ The Office is hereby authorized by check the enclosed fee(s), or credit any overpayment, to deposit against future fees. One fee no extra copy of this form.

5. Check the appropriate filing status (check one):

☒ A. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ B. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(1).

The Patent Office (USPTO) is responsible for the issue fee and Publication Fee (if any) or an equivalent fee previously paid to the application identified above. NOTE: The issue fee and Publication Fee (if any) will not be charged from anyone other than the applicant, a registered attorney or agent, or the inventor or other party in interest as shown by the record in the United States Patent and Trademark Office.

Authorized Signature: [Signature] Date: 1/26/05
Typed or printed name: DAVID W. COLLINS Registration No: 244,857

This declaration is required by 37 CFR 1.27. The information is required to obtain a benefit of the public search results (and for the USPTO to process an application). Confidentiality is provided by 35 U.S.C. 111(a)(2) and 37 CFR 1.14. This collection is required to file a Small Entity Declaration, payment, and to complete the Small Entity Declaration form to the USPTO. There will be a penalty upon the inventor or other party in interest if you refuse to complete the Small Entity Declaration form. This declaration is required to file a Small Entity Declaration form to the USPTO. There will be a penalty upon the inventor or other party in interest if you refuse to complete the Small Entity Declaration form. This declaration is required to file a Small Entity Declaration form to the USPTO. There will be a penalty upon the inventor or other party in interest if you refuse to complete the Small Entity Declaration form.

Under the Paperwork Reduction Project of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PFI-45 (May 12/01) Approved for use through 04-10/2007

OMB 05-1-0012 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Exhibit B**RECEIVED**

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 09 2005

HP LEGAL STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 IP/Trade COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,693 ✓	01/28/2002 ✓	Joseph W. Tsang	10011434-1 ✓	5926 ✓
<p>7590 09/02/2005</p> <p>HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400</p>				
			<p>EXAMINER MAPLES, JOHN S</p>	
			<p>ART UNIT 1745</p>	<p>PAPER NUMBER</p>

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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Notice of Abandonment	Application No.	Applicant(s)	
	10/059,693	Tsang	
	Examiner	Art Unit	
	Maples	1745	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☒ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ljw

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.
U.S. Patent and Trademark Office

PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper

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Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. **Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. **Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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